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EXECUTIVE SECRETARY

David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0500

Re: *Petition of Adelpia Business Solutions of Tennessee, L.P. and AVR, L.P.
d/b/a Hyperion of Tennessee, L.P., Inc. for Arbitration*
Docket No. 00-00927

Dear David:

I have enclosed one original and thirteen copies of the Objections and Responses of Adelpia Business Solutions, L.P. and AVR, L.P. d/b/a Hyperion of Tennessee to BellSouth Telecommunications, Inc.'s First Set of Interrogatories and First Requests for Production of Documents.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By: *Henry Walker*
by WJM w/permission
Henry Walker

HW/nl
Enclosure
cc: Parties

**BEFORE THE
TENNESSEE REGULATORY AUTHORITY**

Petition of)	
)	
ADELPHIA BUSINESS SOLUTIONS,)	
OF TENNESSEE, LP and AVR, L.P. d/b/a)	
HYPERION OF TENNESSEE, L.P., INC.)	Docket No. 00-00927
For Arbitration with BellSouth)	
Telecommunications, Inc. Pursuant to)	
Section 252(b) of the Communications)	
Act of 1934, as amended by the)	
Telecommunications Act of 1996)	

**RESPONSES OF ADELPHIA BUSINESS SOLUTIONS
OF TENNESSEE, LP and AVR, L.P. d/b/a HYPERION OF TENNESSEE, L.P., INC.
TO BELL SOUTH TELECOMMUNICATIONS, INC.'S FIRST SET OF
INTERROGATORIES AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Adelphia Business Solutions of Tennessee, Inc. ("Adelphia") responds as follows to the following Data Requests propounded by BellSouth Telecommunications, Inc. ("BellSouth").

Tennessee Regulatory Authority
Docket No. 00-00927

BellSouth Interrogatory 1

INTERROGATORY: Please identify all persons participating in the preparation of the answers to these Interrogatories or supplying information used in connection therewith.

RESPONSE: Adelphia objects to this data request on the basis that the information is irrelevant to the subject matter of this arbitration, is not reasonably calculated to lead to the discovery of relevant or admissible evidence, seeks discovery of commercially sensitive, proprietary and confidential information, and is overly broad and unduly burdensome. Subject to, and without waiving Adelphia's previously filed objections, the following individuals participated in preparing the answers to BellSouth's interrogatories or supplied information used in connection therewith: Ms. Terry Romine, Adelphia's Director of Legal and Regulatory Affairs; Ms. Alesia Truxell, Manager, Adelphia Engineering Support Services.

RESPONDENT:

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Interrogatory 2

INTERROGATORY: Please identify each person whom you expect to call as an expert witness in this proceeding, state the subject matter on which each expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, a summary of the grounds for each opinion and identify all documents which the expert has reviewed or relied upon for the facts and opinions to which he or she will testify.

RESPONSE: Adelphia consulted Timothy J. Gates as its expert witness. The subject matter, facts and opinions to which Mr. Gates is expected to testify, and the grounds therefore, are addressed in his pre-filed testimony.

RESPONDENT:

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Interrogatory 3

INTERROGATORY: Please identify each person whom you have consulted as an expert in anticipation of this arbitration or in preparation for a hearing in this arbitration who is not expected to be called as a witness. With respect to each such expert, please state the facts known by the expert, state the opinions held by the expert concerning any matters raised in the Arbitration Petition, and identify all documents which the expert has reviewed in anticipation of this arbitration or in preparation for a hearing in this arbitration.

RESPONSE: Adelphia did not consult any experts outside of Mr. Gates, who was identified in response to Interrogatory No. 2.

RESPONDENT:

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Interrogatory 4

INTERROGATORY: Persons testifying on behalf of Adelphia in other states have stated that “Virtual NXXs are used by carriers to provide a local number to customers in calling areas in which the customer is not physically located. Customers (of both the ILECs and the CLECs) who are physically located in that calling area are then able to place local calls to the Virtual NXX customer.” Does Adelphia offer or plan to offer a Virtual NXX service as described above, or any services that are similar to such a Virtual NXX service, to its customers in the State of Tennessee?

RESPONSE: Yes.

RESPONDENT: Alesia Truxell

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Interrogatory 5

INTERROGATORY: If your response to Interrogatory No. 4 was anything other than an unqualified “no,” please identify each and every Virtual NXX service (or services that are similar to Virtual NXX service) Adelphia offers or plans to offer its customers in the State of Tennessee.

RESPONSE: Adelphia does not separately identify or market a product or service pursuant to which a customer can utilize a virtual NXX service. Rather, when requested by a customer, Adelphia endeavors to provide the requesting customer an NPA/NXX assigned to a local calling area different from the local calling area in which the customer is physically located.

RESPONDENT: Alesia Truxell

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Interrogatory 6

INTERROGATORY: For each service identified in response to Interrogatory No. 5, please provide a technical description of how the service is provided to customers, including diagrams and descriptions of ancillary features (e.g., collocation of customer equipment).

RESPONSE: Adelphia is unable to provide a response to this interrogatory at this time. Adelphia will provide a supplemental response as soon as possible.

RESPONDENT: Alesia Truxell

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Interrogatory 7

INTERROGATORY: For each service identified in response to Interrogatory No. 5, please explain in detail how Adelphia's switch routes a call placed to an Adelphia customer that has been assigned a virtual NXX telephone number. Include in your response a description of any translations or similar functions that are performed by Adelphia's switch to route such a call.

RESPONSE: Adelphia is unable to provide a response to this interrogatory at this time. Adelphia will provide a supplemental response as soon as possible.

RESPONDENT: Alesia Truxell

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Interrogatory 8

INTERROGATORY: For each service identified in response to Interrogatory No. 5, please state whether or not the calling party experiences any dialing delays when placing a call to an Adelphia customer that has been assigned a virtual NXX telephone number. If any such delays are experienced, please explain in detail the nature of the delay, the duration of the delay, and the reason for the delay.

RESPONSE: The calling party does not experience any dialing delays when placing a call to an Adelphia customer that has been assigned a virtual NXX telephone number.

RESPONDENT: Alesia Truxell

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Interrogatory 9

INTERROGATORY: For each service identified in response to Interrogatory No. 5, please state whether or not the calling party gets a second dial tone when placing a call to an Adelphia customer that has been assigned a virtual NXX telephone number. If the calling party gets a second dial tone, please explain in detail the reason for the second dial tone, and explain in detail any and all actions the calling party must take upon receiving the second dial tone to complete the call.

RESPONSE: The calling party does not get a second dial tone when placing a call to an Adelphia customer that has been assigned a virtual NXX telephone number.

RESPONDENT: Alesia Truxell

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Interrogatory 10

INTERROGATORY: For each service identified in response to Interrogatory No. 5, please state whether or not the calling party is required to enter an access code, an authorization code, another telephone number, or any other information in order to reach the Adelphia customer with a Virtual NXX telephone number? If so, please identify any and all additional information the calling party is required to enter, and explain in detail the reason the information is required and the use to which Adelphia puts the information in order to complete the call.

RESPONSE: The calling party is not required to enter an access code, an authorization code, another telephone number, or any other information in order to reach an Adelphia customer with a Virtual NXX telephone number.

RESPONDENT: Alesia Truxell

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Interrogatory 11

INTERROGATORY: Are your answers to Interrogatories Nos. 4-10 different with regard to your operations in the State of Tennessee than they would be with regard to your operations in any other state in the BellSouth region?

RESPONSE: No.

RESPONDENT: Alesia Truxell

Tennessee Regulatory Authority

Docket No. 00-00927

BellSouth Interrogatory 12

INTERROGATORY: If your response to Interrogatory No. 11 is anything other than an unqualified “no,” please identify in detail the manner in which your answers are different with regard to your operations in the State of Tennessee than they would be with regard to your operations in any other state in the BellSouth region, and explain in detail the reason for the differences.

RESPONSE: No response required.

RESPONDENT:

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Interrogatory 13

INTERROGATORY: For each service identified in response to Interrogatory No. 5, please identify the number of customers who subscribe to or purchase the service.

RESPONSE: Adelphia objects to this data request on the basis that the information is not relevant to the subject matter of this arbitration, is not reasonably calculated to lead to the discovery of relevant or admissible evidence, seeks discovery of commercially sensitive, proprietary and confidential information, and is overly broad and unduly burdensome. Subject to, and without waiving Adelphia's previously filed objections, since there is no separately identified product which is purchased by a customer, it is not possible for Adelphia to identify with particularity the number of customers who utilize a virtual NXX arrangement. Adelphia suspects that a substantial minority of its customers utilize such an arrangement.

RESPONDENT:

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Interrogatory 14

INTERROGATORY: Has Adelphia assigned a Virtual NXX telephone number to any customer that is not an Internet service provider (“ISP”) and/or enhanced service provider (“ESP”)?

RESPONSE: See response to Interrogatory No. 13. Since Adelphia does not separately identify or market a “virtual NXX” product or service, Adelphia cannot confirm or deny whether it has assigned a Virtual NXX telephone number to any customer that is not an ISP and/or ESP. Adelphia, however, would not refuse to assign a Virtual NXX telephone number to any customer that is not an ISP and/or ESP.

RESPONDENT: Alesia Truxell

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Interrogatory 15

INTERROGATORY: Would Adelphia refuse to assign a Virtual NXX telephone number to any customer that is not an ISP and/or ESP?

RESPONSE: No.

RESPONDENT: Alesia Truxell

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Interrogatory 16

INTERROGATORY: For each service identified in response to Interrogatory No. 5, please identify all rates that are or could be charged to customers purchasing the service.

RESPONSE: Adelphia objects to this data request on the basis that the information is not relevant to the subject matter of this arbitration, is not reasonably calculated to lead to the discovery of relevant or admissible evidence, seeks discovery of commercially sensitive, proprietary and confidential information. Subject to and without waiving any of Adelphia's previously filed objections, Adelphia states that the rates Adelphia charges for virtual NXX service offerings are not only extremely commercially sensitive but are in no way relevant to whether BellSouth must pay Adelphia intercarrier compensation for termination of BellSouth-originated traffic. The issue is not what Adelphia charges its customers for the services in question, but whether BellSouth is entitled either to provide zero compensation or to charge originating access charges to Adelphia for terminating calls from BellSouth's customers.

RESPONDENT:

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Interrogatory 17

INTERROGATORY: Assume that a BellSouth end-user calls an Adelphia end-user that is not an ESP and/or ISP and that has been assigned a virtual NXX telephone number. Does Adelphia agree that the call originates at the physical location of the BellSouth end user?

RESPONSE: Adelphia objects to this data request on the grounds that the information is not relevant to the subject matter of this arbitration and is not reasonably calculated to lead to the discovery of relevant or admissible evidence. Among other reasons, there is no factual dispute regarding the originating location of a virtual NXX call. The issue in this arbitration is whether a call is rated, billed and treated as local by reference to the NXX's of the originating and terminating numbers, not the physical location of the calling and called parties. Moreover, the identity of Adelphia's end user—as an ESP and/or ISP—is of no relevance whatever. Subject to and without waiving any of Adelphia's previously filed objections, Adelphia agrees that under the circumstances described, when a BellSouth end-user calls an Adelphia end-user, the call originates at the physical location of the BellSouth end-user.

RESPONDENT:

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Interrogatory 18

INTERROGATORY: If your answer to Interrogatory No. 17 is anything other than an unqualified "yes," please state with specificity where Adelphia contends the call originates and provide a detailed factual and legal explanation of your answer.

RESPONSE: No response required.

RESPONDENT:

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Interrogatory 19

INTERROGATORY: Assume that a BellSouth end-user calls an Adelphia end-user that is not an ESP and/or ISP and that has been assigned a virtual NXX telephone number. Does Adelphia agree that the call terminates at the physical location of the Adelphia end user?

RESPONSE: Adelphia previously objected to this data request on the grounds that the information is not relevant to the subject matter of this arbitration and is not reasonably calculated to lead to the discovery of relevant or admissible evidence. Among other reasons, where a virtual NXX call physically terminates is not relevant to whether the call is subject to the parties' intercarrier compensation obligations. While the terminating point of a call may be relevant in determining the jurisdiction of the call, that is not at issue here. The issue in this arbitration is whether a call is rated, billed and treated as local by reference to the NXX's of the originating and terminating numbers, not the physical location of the calling and called parties. Moreover, the identity of Adelphia's end user—as an ESP and/or ISP—is of no relevance whatever. Subject to and without waiving any of Adelphia's previously filed objections, Adelphia agrees that, *for jurisdictional purposes only*, in the circumstances described, when a BellSouth end-user calls an Adelphia end-user, the call terminates at the physical location of the Adelphia end-user; for purposes of determining whether the call is subject to the parties reciprocal compensation obligations, then Adelphia contends that the termination point of the call is not relevant.

RESPONDENT:

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Interrogatory 20

INTERROGATORY: If your answer to Interrogatory No. 19 is anything other than an unqualified “yes,” please state with specificity where Adelphia contends the call terminates and provide a detailed factual and legal explanation of your answer.

RESPONSE: As qualified above, no response is required.

RESPONDENT:

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Interrogatory 21

INTERROGATORY: Does Adelphia assign numbers under its virtual NXX service to customers who are located in a different state than the Adelphia switch where the NXX itself is homed or located?

RESPONSE: Adelphia previously objected to this data requests on the grounds that we do not understand the question as phrased. Without waiving the previously filed objection, Adelphia responds that it understands the question to phrased as follows: "Does Adelphia assign numbers under its virtual NXX service to customers ~~who are~~ where the equipment being served by Adelphia is located in a different state than the Adelphia switch where the NXX itself is homed or located?" As rephrased, Adelphia responds "no."

RESPONDENT: Alesia Truxell

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Interrogatory 22

INTERROGATORY: Does Adelphia assign numbers under its Virtual NXX service to customers who are located in a different local access transport area ("LATA") than the Adelphia switch where the NXX itself is homed or located?

RESPONSE: Adelphia previously objected to this data requests on the grounds that we do not understand the question as phrased. Without waiving this objection, Adelphia responds that it understands the question to phrased as follows: "Does Adelphia assign numbers under its Virtual NXX service to customers ~~who are~~ where the equipment being served by Adelphia is located in a different local access transport area ("LATA") than the Adelphia switch where the NXX itself is homed or located?" As rephrased, Adelphia responds "no."

RESPONDENT: Alesia Truxell

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Interrogatory 23

INTERROGATORY: Does Adelphia assign numbers under its Virtual NXX service to customers who are located in a different local calling area, as set forth in BellSouth's tariffs filed in Tennessee, than the Adelphia switch where the NXX itself is homed or located?

RESPONSE: Adelphia previously objected to this data request on the grounds that we do not understand the question as phrased. Without waiving this objection, Adelphia responds that it understands the question to be phrased as follows: "Does Adelphia assign numbers under its Virtual NXX service to customers who are located in a different local calling area, as set forth in BellSouth's tariffs filed in Tennessee, than the Adelphia switch where the NXX itself is homed or located?" As rephrased, Adelphia responds "yes."

RESPONDENT: Alesia Truxell

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Document Request 1

REQUEST: Please produce all documents identified in your response to Interrogatory No. 2.

RESPONSE: Please see response to Interrogatory 2.

RESPONDENT:

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Document Request 2

REQUEST: Please produce all documents identified in your response to Interrogatory No. 3.

RESPONSE: Please see response to Interrogatory 3.

RESPONDENT:

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Document Request 3

REQUEST: Please produce copies of any and all reports authored by any expert listed in your response to Interrogatories Nos. 2 and 3, including any drafts, notes, work papers, summaries of compilations thereof.

RESPONSE: Adelphia previously objected to this data request on the basis that the information is irrelevant to the subject matter of this arbitration, is not reasonably calculated to lead to the discovery of relevant or admissible evidence, seeks discovery of commercially sensitive, proprietary and confidential information, and is overly broad and unduly burdensome. Subject to, and without waiving Adelphia's previously filed objection, Adelphia states that there are no documents responsive to this request.

RESPONDENT:

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Document Request 4

REQUEST: For each service identified in response to Interrogatory No. 5, please provide any and all product descriptions and marketing materials associated with the service.

RESPONSE: There are no documents responsive to this request.

RESPONDENT: Alesia Truxel

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Document Request 5

REQUEST: For each service identified in response to Interrogatory No. 5, please provide the current effective and canceled tariff pages (or proposed or illustrative tariff pages) for the service.

RESPONSE: There are no documents responsive to this request.

RESPONDENT: Alesia Truxel

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Document Request 6

REQUEST: Please produce any documents which support your response to Interrogatory No. 6.

RESPONSE: Please see response to Interrogatory 6.

RESPONDENT:

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Document Request 7

REQUEST: Please produce all documents which support your response to Interrogatory No. 7.

RESPONSE: Please see response to Interrogatory 7.

RESPONDENT:

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Document Request 8

REQUEST: Please produce all documents which support your response to Interrogatory No. 8.

RESPONSE: There are no documents responsive to this request.

RESPONDENT:

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Document Request 9

REQUEST: Please produce all documents which support your response to Interrogatory No. 9.

RESPONSE: There are no documents responsive to this request.

RESPONDENT:

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Document Request 10

REQUEST: Please produce all documents which support your response to Interrogatory No. 10.

RESPONSE: There are no documents responsive to this request.

RESPONDENT:

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Document Request 11

REQUEST: Please produce all documents which support your response to Interrogatory No. 11.

RESPONSE: There are no documents responsive to this request.

RESPONDENT:

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Document Request 12

REQUEST: Please produce all documents which support your response to Interrogatory No. 12.

RESPONSE: There are no documents responsive to this request.

RESPONDENT:

Tennessee Regulatory Authority
Docket No. 00-00927
BellSouth Document Request 13

REQUEST: Please produce all documents which support your response to Interrogatory No. 16.

RESPONSE: See response to interrogatory 16.

RESPONDENT:

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

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Inc.*

Tennessee Regulatory Authority
Docket No. 00-00927

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded via U.S. Mail, postage prepaid, to the following on this the 26th day of January, 2001.

Guy Hicks, Esq.
BellSouth Telecommunications, Inc.
333 Commerce St., Suite 2101
Nashville, TN 37201-3300

Henry Walker by w/m w/permission
Henry Walker